

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

EDDIE A. BANKS,

Petitioner,

v.

Civil Action No. **3:07CV746**

GENE JOHNSON, *et al.*,

Respondents.

MEMORANDUM ORDER

Petitioner, a Virginia state prisoner proceeding *pro se*, submitted a petition under 28 U.S.C. § 2254. Petitioner has paid the full filing fee. Upon consideration of Petitioner's payment of the full filing fee and the petition annexed, it is ORDERED that:

1. The petition is FILED;
2. Respondents shall file their responsive pleading within thirty (30) days of the receipt of this Memorandum Order;
3. Respondents will treat this Memorandum Order as a request that the records of the state criminal trial and habeas corpus proceeding, if deemed pertinent and available, be forwarded to the Clerk's Office in Richmond, Virginia. Such records shall be returned to the proper repository upon conclusion of the federal proceedings;
4. Petitioner is subject to the requirements of Rule 5 of the Federal Rules of Civil Procedure. From this point on, Petitioner must mail a copy of every pleading and every written motion, notice, and similar paper on counsel for Respondents. No document submitted by Petitioner will be considered without an attached certificate stating that Petitioner has mailed

copies of the document to counsel for Respondents. The required certificate must also show the date and manner of service;

5. Petitioner immediately must advise the Court of his new address in the event he is transferred, released, or otherwise relocated while the action is pending. **FAILURE TO DO SO MAY RESULT IN DISMISSAL OF THE ACTION**; and,

6. The Court DOES NOT ACCEPT documents or pleadings submitted on paper which exceeds 8 1/2 inches by 11 inches in size, or which contains writing on the reverse side of a page. **ANY SUBMISSION MADE IN VIOLATION OF THIS PARAGRAPH WILL NOT BE CONSIDERED BY THE COURT.**

The Clerk of the Court is DIRECTED to serve Respondents. Service shall be made by mailing a copy of this Memorandum Order, with the petition attached, to the Attorney General for the Commonwealth of Virginia. A copy of this Memorandum Order shall also be sent to Petitioner.

And it is so ORDERED.

_____/s/
M. Hannah Lauck
United States Magistrate Judge

Date: December 17, 2007
Richmond, Virginia